

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

M. TEDD KEHOE and ANDREW ROBERT
TRACY, on behalf of themselves and others
similarly Situated,

Plaintiffs,

v.

6:11-cv-0408

MARY ANNE CASADEI, Individually and as
the Chair of the ROME REPUBLICAN COMMITTEE
and THE CITY OF ROME REPUBLICAN
COMMITTEE,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

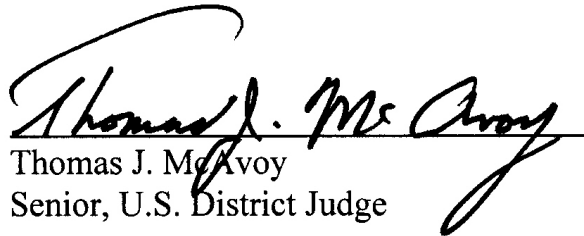
Plaintiffs M. Tedd Kehoe and Andrew Robert Tracy commenced the instant action pursuant to 42 U.S.C. § 1983 claiming that their rights as protected by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution were violated by Defendants' decision to eliminate weighted voting, eliminate the use of proxies, and using written secret ballots in the endorsement of candidates for election. Plaintiffs moved for a preliminary injunction precluding Defendants from eliminating weighted voting or using secret ballots in the endorsement of candidates.

Defendants filed a response to the motion stating that they "will not oppose the Injunction in the matter. . . ." Defendants further stated that it was their "intention . . . to formally nullify the by-law amendments effectuate on April 4, 2011." Lastly, Defendants

represented that they planned to execute a settlement with Plaintiff but that “to the extent a Stipulation is not executed on or before **May 4th, 2011**, by this letter, the Defendants will not object to the Injunction going into effect on May 9th, 2011. . . .”

To date, no settlement has been filed. Accordingly, upon consideration of Defendants’ response to the motion for injunctive relief, Defendants are hereby enjoined from: (1) endorsing any candidates for political office without the use of a weighted vote; and (2) endorsing any candidates for public office by the use of an anonymous written ballot. IT IS SO ORDERED.

Dated: September 6, 2011


Thomas J. McAvoy
Senior, U.S. District Judge